

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 00-CR-126

KEVIN KING,

Defendant.

ORDER

On January 11, 2001, this court sentenced Kevin King to 120 months' imprisonment for violations of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(iii). King's total offense level was 29 and he had a criminal history category of II; under this matrix, his guideline term of imprisonment was 97-121 months. However, King remained subject to a statutory minimum mandatory term of 120 months' imprisonment.

On November 1, 2007, the United States Sentencing Commission amended the advisory federal sentencing guidelines for criminal offense involving crack cocaine. On December 11, 2007, the Sentencing Commission further decided that, effective March 3, 2008, these amended guidelines would apply retroactively to all offenders who were sentenced under the previous versions of the sentencing guidelines and who are presently incarcerated. The practical effect of these amendments is that, pursuant to the provisions of 18 U.S.C. § 3582(c)(2),

defendants previously convicted of offenses involving crack cocaine may be eligible for a reduction in their sentence.

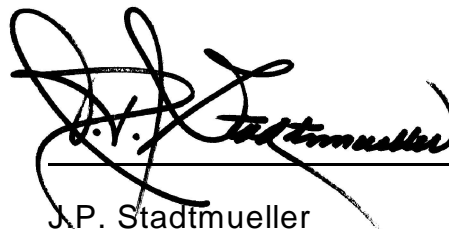
On March 17, 2008, King filed a pro se motion to reduce his sentence pursuant to § 3582(c)(2). Having considered King's motion, together with an analysis from the United States Probation Office, the court concludes that his motion must be denied. Under the amended guidelines, King's offense level and sentencing guideline range remain the same and he continues to be subjected to the 120-month statutory mandatory minimum sentence. The court finds no factual or legal basis to reduce the sentence of 120 months imposed on January 11, 2001.

Accordingly,

IT IS ORDERED that King's motion to reduce (Docket #85) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 18th day of June, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge